

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION AT MEMPHIS**

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THOMAS STOUT,

Plaintiff/Counter-Defendant,

Vs.

No. \_\_\_\_\_  
JURY DEMANDED

ALLSTATE INSURANCE COMPANY,

Defendants/Counter-Plaintiff.

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**NOTICE FOR REMOVAL OF CIVIL ACTION**

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TO THE HONORABLE JUDGES OF THE U. S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE:

COMES NOW Allstate Insurance Company, by its undersigned attorneys, and  
respectfully shows this Court as follows:

1. Petitioner is a defendant in the above and entitled action.
2. On July 11, 2010, Plaintiff, Thomas Stout, commenced the above entitled action against the Petitioner, Allstate Insurance Company in the Chancery Court of Shelby County, Tennessee under cause number CH-10-1281. Attached hereto as Exhibit A is a copy of the Complaint, Certificate of Service, and Service of Process.
3. There have been no proceedings since the filing of the Complaint.
4. The amount in controversy in the above entitled action, exclusive of interest and cost, exceeds \$75,000.00. At the time of the commencement of this

action, and at the time of the filing of this Petition, Plaintiff alleges that he is a citizen of the State of Tennessee, residing in Shelby County.

5. At the time of commencement of this action and the filing of this Petition, Petitioner, Allstate Insurance Company, is a corporation, duly incorporated and authorized to do business in the State of Delaware and has its principal place of business in Northbrook, Illinois.
6. The above entitled action is a civil action for insurance proceeds, bad faith and breach of contract brought by Thomas Stout against Allstate Insurance Company. This claim is a result of a fire, which occurred on or about December 18, 2009, at 1659 North Hollywood, Memphis, Shelby County, Tennessee, as more fully appears in the Complaint attached hereto.
7. This Court has original jurisdiction of the above entitled action pursuant to 28 U.S.C. §1332 since diversity of citizenship exists between the parties, and since Petitioner, Allstate Insurance Company, is not a citizen or a resident of the State of Tennessee, wherein the above entitled action is pending, removal of this action to this Court is proper pursuant to 28 U.S.C. §1441 (a), (b).
8. This petition is filed with this court within thirty (30) days after receipt of the summons and Complaint filed by the Plaintiff. Allstate was served through C.T. Corporation by Tennessee Insurance Commissioner, certified mail on July 28, 2010, postmarked July 26, 2010.

WHEREFORE, PETITIONER PRAYS that the above entitled action be removed from the Chancery Court of Shelby County, Tennessee to this Court and that Allstate be afforded a trial by jury.

Respectfully submitted,

WALDROP, BARNETT, LAZAROV & NEARN, P.C.

/s/ David M. Waldrop  
David M. Waldrop #13079  
Attorney for Allstate Insurance Company  
9032 Stone Walk Place  
Germantown, Tennessee 38138  
(901) 759-3489

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2010, I electronically filed a copy of the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Krista Holder-Williams.

/s/ David M. Waldrop  
David M. Waldrop